

# Notice of Allowability

Application No.

10/732,947

Examiner

Kristen Mullen

Applicant(s)

TIDEMAND ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/13/06 (Interview).
2. ☒ The allowed claim(s) is/are 32-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 11/1/06, 5/19/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Kristen Mullen*

Kristen D. Mullen  
Patent Examiner  
Temp. Full Signatory Authority  
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## **DETAILED ACTION**

### ***Election/Restrictions***

1. This application contains claims directed to the following patentably distinct species:

Species I: connector assembly with retainer ring shown in Figs. 2-4.

Species II: connector assembly with retainer cap shown in Figs. 5-7.

The species are independent or distinct because the inventions as claimed are either not capable of use together, the inventions as claimed do not overlap in scope i.e., are mutually exclusive and the inventions are not obvious variants.

2. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an

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allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

3. During a telephone conversation with Daniel Chapik on 12/12/06 a provisional election was made with traverse to prosecute the invention of Species II, claims 32-37. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-30 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### **EXAMINER'S AMENDMENT**

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel Chapik on 12/13/06.

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The application has been amended as follows:

Title

The title has been deleted and replaced with: --IMD CONNECTOR HEADER WITH GROMMET RETAINER--

Abstract

The abstract has been deleted and replaced with:

--An implantable medical device (IMD) includes a connector header for making electrical and mechanical connections with a proximal connector assembly of an electrical medical lead and includes a retainer for retaining a penetrable grommet within a header grommet aperture. A connector block disposed within a header body of the connector header has a threaded bore aligned with a header grommet aperture and a connector block bore aligned with a header connector bore. The penetrable grommet is disposed within the header grommet aperture, and a setscrew is threaded into the threaded bore having a setscrew socket disposed to be engaged by a tool inserted through the penetrable grommet within the header grommet aperture to enable rotation of the setscrew within the threaded bore to tighten the setscrew against or to loosen the setscrew from a lead connector element received in the header connector bore. --

Specification

Paragraph [0001] has been deleted and replaced with:

-- This application is a continuation-in-part of U.S. patent application Ser. No. 10/199,601 filed Jul. 19, 2002, which is a continuation in part of U.S. patent application Ser. No. 09/767,796 filed Jan. 23, 2001, now abandoned, which is a continuation of U.S. patent application Ser. No. 09/417,157 filed Oct. 12, 1999, now abandoned, which is a continuation of U.S. patent application Ser. No. 09/159,119 filed Sep. 28, 1998, now U.S. Patent. No. 6,205,358, which is a divisional of U.S. patent application Ser. No. 08/904,636 filed Aug. 1, 1997, now abandoned all of which are herein incorporated by reference. --

Paragraph [0002] has been deleted and replaced with:

-- Reference is also made to commonly assigned U.S. patent application Ser. No. 10/733,511 filed on even date herewith for CONNECTOR HEADER SETSCREW FOR AN IMPLANTABLE MEDICAL DEVICE in the names of Jennifer J. Zhao et al., and commonly assigned U.S. patent application Ser. No. 10/732,940 filed on even date herewith for CONNECTOR HEADER GROMMET FOR AN IMPLANTABLE MEDICAL DEVICE in the names of Andrew J. Ries et al. --

Claims

Claims 1-31 have been cancelled.

Claim 32,

line 4: --,(comma) has been inserted between "body" and "having".

line 8: --, the connector block-- has been inserted before the word "having".

line 13: --, the set screw-- has been inserted before the word "having".

line 25: --retainer-- has been inserted before the word "cap".

Claim 33, line 2: --retainer-- has been inserted before the second instance of the word "cap".

Claim 34,

line 3: --retainer-- has been inserted before the word "cap".

line 4: "ring-shaped" has been deleted and --retainer has been inserted in its place.

Claim 35,

line 1: --retainer-- has been inserted before the word "cap".

line 3: "the" has been deleted.

Claim 36,

line 1: "Implantable" has been deleted and replaced with --implantable--.

line 2: --retainer-- has been inserted before the word "cap".

Claim 37, line 2: --retainer-- has been inserted before the word "cap".

*Reasons for Allowance*

6. The following is an examiner's statement of reasons for allowance: Weijden et al. (2004/0215282) and Precimed S.A. (EP 0052690) each shows connector assemblies that are substantially similar to that claimed by applicants because they have retaining caps. However Weijden, Precimed or the other prior art or record fails to teach or suggest a retainer cap sidewall

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fitted into a retention groove that extends in the header body and is spaced away and substantially surrounds the grommet aperture sidewall.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristen Mullen whose telephone number is (571) 272-4944. The examiner can normally be reached on M-F, 10:30 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kristen D. Mullen

Patent Examiner

Temp. Full Signatory Authority

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kdm